

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BILLY TYLER,)	
)	
Petitioner,)	8:16CV388
)	
v.)	
)	
NEBRASKA,)	MEMORANDUM AND ORDER
)	
Respondent.)	
_____)	

Petitioner has filed a illegible petition for writ of habeas corpus. The petition is facially insufficient in that it does not substantially comply with Rule 2(d) of the Rules Governing Section 2254 Cases in the United States District Courts.¹

IT IS ORDERED that:

1. The petition (filing no. 1) is denied without prejudice to filing an amended petition.
2. Taking the prison mailbox rule into account, on or before December 1, 2016², Petitioner shall file an amended petition using AO Form 241. Petitioner shall state his claim(s) and supporting fact(s) concisely and without argument or legal citation. That can normally be done using the form itself without attachments.

¹I note also that it does not appear that Petitioner is in custody as he gives a non-custodial address.

²This means that the amended petition must be in the hands of the Clerk by this date.

3. The Clerk shall mail Petitioner a copy of this Memorandum and Order and AO Form 241.
4. Should Petitioner fail to comply with this order in a timely fashion, this matter may be dismissed without further notice. The consequence of such dismissal could mean that Petitioner is precluded from filing a second or successive petition without first receiving permission from the Court of Appeals.

DATED this 26th day of October, 2016.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge